REMARKS

In the **non-final** Office Action mailed December 17, 2009, the Office noted that claims 16-18 were pending and rejected claims 16-18. In this amendment no claims have been amended, no claims have been added, and, thus, in view of the foregoing, claims 16-18 remain pending for reconsideration which is requested. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Willenegger, U.S. Patent Publication No. 2003/0207696 in view of Yi, U.S. Patent Publication No. 2003/0157927. The Applicant respectfully disagrees and traverses the rejection with an argument.

Willenegger discusses a method for processing data for transmission to a plurality of terminals.

Yi discusses performing SRNS relocation in a communications system transmits radio resource information including a ciphering parameter from a source RNC to a target RNC.

On pages 3 and 4 of the Office Action, it is acknowledged that Willenegger fails to disclose "wherein upon constructing the ciphering counter, the ciphering function initializes the HFN on a basis of an initial value included in ciphering parameters issued by the mobile station and sets the

initialized HFN in the ciphering counter," as in claim 16, but asserted that Yi ¶ 0178 discloses such a feature.

However, Yi discuses the user terminal will not increment its HFN value as in the previous case; and because the PDU was ciphered based on the same HFN value, the user terminal will be able to decipher it. Therefore, the ciphering function initializes the HFN on a basis of an initial value included in ciphering parameters.

In particular, Yi ¶ 0178 states

In an initial step, the source RNC delivers an RRC information container 50 that includes state variable VT(US) of serving radio bearer SRB1 to the target RNC. State variable VT(US) is indicative of a transmission sequence number related to the transmission sequence number of the last or one of the last PDUs transmitted from the source RNC to the user terminal. ***The target RNC uses state variable VT(US) as a basis for transmitting its first PDU 60 to the user terminal. For example, if VT(US) corresponds to the last sequence number transmitted, the target RNC may increment the transmission sequence number corresponding to VT(US) by one and then transmit the first PDU containing this value. When the user terminal receives this PDU, it will detect that this PDU is has the next-in-sequence number that it expected and thus no wrap-around or missing PDU condition will be detected. As a result, the user terminal will not increment its HFN value as in the previous case; and because the PDU was ciphered based on the same HFN value, the user terminal will be able to decipher it.*** [Emphasis added]

As such, Applicant acknowledges that Yi discusses that the target RNC transmits the first PDU, and when the user terminal receives this PDU, it will detect that this PDU has the next-in-sequence number that it expected and thus no wrap-around or missing PDU condition will be detected.

However, Yi does not disclose that "the base station has a ciphering function" and "the cipher function initializes the HFN on a basis of an initial value included in ciphering parameters issued by the mobile station" of the structural requirements of the present invention.

Further, on page 4 of the Office Action, it is asserted that Yi ¶ 0105 teaches "wherein the ciphering function increases the initialized HFN with a period of the SFN," as in claim 16.

The Applicant acknowledges that Yi discusses that the transmitter RLC will alter its ciphering information by incrementing its HFN parameter by one.

However, Yi does not disclose that the ciphering function increases the initialized HFN **with a period of the SFN**.

For at least the reasons discussed above, Willenegger and Yi, taken separately or in combination, fail to render obvious the features of claims 16, 17 and 18.

Withdrawal of the rejection is respectfully requested.

<u>SUMMARY</u>

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 16-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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